

AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS IN
ALASKA TO THE MATANUSKA VALLEY LINES, INC., AND
TO RUSSELL SWANK AND JOE BLACKARD

JANUARY 30, 1956.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs
submitted the following

R E P O R T

[To accompany H. R. 7513]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 7513) to authorize the conveyance of certain lands in Alaska to the Matanuska Valley Lines, Inc., and to Russell Swank and Joe Blackard, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following language:

That the Secretary of the Interior shall grant the Matanuska Valley Lines, Incorporated, such additional period of time as he shall deem reasonable within which to comply with the requirements of its certificate of conditional purchase, issued on August 20, 1951, pursuant to the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C., secs. 364a-364e), for Tracts 1, 2, 3, and 4 of block 27 of the east addition to the original townsite of Anchorage, Alaska, and tract 7 of block 34 of the east addition to the original townsite of Anchorage, Alaska.

SEC. 2. The Secretary of the Interior shall grant Joe Blackard and Russell Swank, operating a joint venture as Blackard and Swank, such additional period of time as he shall deem reasonable within which to comply with the requirements of their certificate of conditional purchase, issued on August 20, 1951, pursuant to the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C., secs. 364a-364e), for tract 6 of block 34 of the east addition to the original townsite of Anchorage, Alaska.

Amend the title so as to read:

A bill to direct the Secretary of the Interior to grant an extension of time to the Matanuska Valley Lines, Incorporated, and to Russell Swank and Joe Blackard within which to apply for patent to certain lands in Alaska.

EXPLANATION OF THE BILL

H. R. 7513, as amended, introduced by Delegate Bartlett of Alaska, authorizes and directs the Secretary of the Interior to grant an extension of time to the Matanuska Valley Lines, Inc., and to Russell Swank, and Joe Blackard, during which they may apply for patents to certain lands in Alaska.

The company and individuals named above purchased the lands in question under the act of August 3, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) which authorizes the sale of certain public lands in Anchorage, Alaska. In conformance with this act, the purchasers developed the lands satisfactorily for commercial purposes within the required 3 years after date of purchase. Although payments on the land were completed on July 9, 1951, the purchasers, due to various mishaps, failed to apply for a patent on the land within the required 3-year period, and therefore forfeited their rights to the lands.

H. R. 7513 directs the Secretary to grant Messrs. Swank and Blackard and the Matanuska Valley Lines, Inc. such additional time as he deems reasonable within which to comply with the requirements of their certificates of conditional purchase of their tracts, pursuant to the provisions of the Alaska Public Sale Act of 1949.

The committee has adopted the amendment recommended by the Department of the Interior, and which now constitutes H. R. 7513.

The report of the Department of the Interior, dated December 20, 1955, is set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., December 20, 1955.

Hon. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington 25, D. C.

MY DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 7513, a bill to authorize the conveyance of certain lands in Alaska to the Matanuska Valley Lines, Inc., and to Russell Swank and Joe Blackard.

We recommend that H. R. 7513 be enacted, if amended along the lines of the enclosed redraft.

H. R. 7513 would direct the Secretary of the Interior to convey, without further compensation, certain lands in Alaska to Joe Blackard and Russell Swank, and to the Matanuska Valley Lines, Inc.

The lands which would be conveyed under H. R. 7513 were purchased by the named parties under the act of August 30, 1949 (48 U. S. C., sec. 364a-364e), which authorizes the sale of certain public lands in Alaska and provides that a purchaser must develop the purchased lands satisfactorily for commercial purposes within 3 years after the date of purchase. Mr. Swank, Mr. Blackard, and the Matanuska Valley Lines completed payment for the lands on July 9, 1951 but failed to apply for a patent on the lands within 3 years, as required by the 1949 act and the regulations issued by this Department pursuant thereto. The Department, therefore, held that the purchasers had forfeited all rights to the land and to the purchase money which they had paid. *Matanuska Valley Lines, Inc., et al.* (62 I. D. 243 (June 1955)). In that decision the claimants were advised that they could obtain relief only through remedial legislation.

Since the law very clearly required the forfeiture of rights by the claimants because of their failure to apply for patent, it was not necessary for the Department to rule on the adequacy of the improvements made on the lands. However, the improvements do not conform to the plan of improvements submitted by the purchasers in the negotiations for the sale and cannot, in our opinion, be considered "to promote the orderly development of lands in Alaska," as the statute under which the sale was negotiated requires. Since it is probable that the improvements would be found inadequate upon a careful investigation, we question the desirabil-

ity of granting these lands to the claimants without the payment of any further compensation, as H. R. 7513 provides, and without requiring compliance with the provisions of the 1949 act. To grant unconditional relief in individual cases goes far to vitiate the basic law, and, since the objectives of the Congress in enacting the 1949 act were meritorious, we do not believe the general provisions of the statute should be ignored in the absence of more compelling reasons than those advanced in this case. Therefore, we recommend that H. R. 7513 be amended so that it would merely direct the Secretary of the Interior to grant the claimants a reasonable extension of time within which to comply with the terms of the purchase agreement. A failure to comply thereafter would result in the forfeiture of all rights. A redraft of the bill, embodying this suggestion, is enclosed.

The provisions of the Alaska Public Sale Act necessarily led, in this case, to a result which we deemed unduly harsh, and, therefore, we support this remedial legislation, if amended. Our general experience of working under that act has shown us that its amendment may be desirable. Consequently, the Department is now considering proposing legislation to amend that act and to prevent in the future, among other things, such harsh results as that which necessitated the introduction of H. R. 7513.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

A BILL To direct the Secretary of the Interior to grant an extension of time to the Matanuska Valley Lines, Incorporated, and to Russell Swank and Joe Blackard within which to apply for patent to certain lands in Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall grant the Matanuska Valley Lines, Incorporated, such additional period of time as he shall deem reasonable within which to comply with the requirements of its certificate of conditional purchase, issued on August 20, 1951, pursuant to the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C., secs. 364a-364e), for tracts 1, 2, 3, and 4 of block 27 of the east addition to the original townsite of Anchorage, Alaska, and tract 7 of block 34 of the east addition to the original townsite of Anchorage, Alaska.

SEC. 2. The Secretary of the Interior shall grant Joe Blackard and Russell Swank, operating a joint venture as Blackard and Swank, such additional period of time as he shall deem reasonable within which to comply with the requirements of their certificate of conditional purchase, issued on August 20, 1951, pursuant to the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C., secs. 364a-364e), for tract 6 of block 34 of the east addition to the original townsite of Anchorage, Alaska.

Enactment of H. R. 7513, as amended, is recommended by the Committee on Interior and Insular Affairs.



